

## Maryland Agricultural Land Preservation Program

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# SMALL PROPERTIES IN THE AGRICULTURAL LAND PRESERVATION PROGRAM

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This Fact Sheet describes how the Maryland Agricultural Land Preservation Program works and its limitations for owners of small properties interested in participating in the Program.

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### Minimum Acreage Criteria

The Maryland Agricultural Land Preservation Foundation establishes size criteria for the formation of agricultural preservation districts. In attempting to set a fair balance between the Program's goal to permanently preserve large agricultural areas and the average farm size in Maryland, the Foundation established 50 acres as the minimum size for the establishment of agricultural preservation districts and the purchase of easements. If you own property that totals less than 50 acres, however, you still may sell an agricultural preservation easement to the Foundation if you meet certain conditions.

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### Applying to Sell an Agricultural Preservation Easement on Small Properties

If your property has met all the other eligibility criteria except for size, you may still participate in the Agricultural Land Preservation Program if:

- your property is adjacent to an existing Maryland Agricultural Land Preservation Foundation easement property; or,
- your property is adjacent to an existing county agricultural conservation easement property, a Maryland Environmental Trust easement property, or other conservation easement property with easements that are at least as restrictive as the Foundation's easement, and the adjacent easement property or properties total at least 50 acres in size or in combination with the proposed easement; or,
- you and your neighbor(s) apply to sell easements to the Foundation at the same time; the combination of properties collectively provide at least 50 acres. Both you and your neighbor(s) must receive contingent offers from the Foundation to purchase the easements, and you and your neighbor(s) must all accept the offers or none of the offers is valid. If your ability to sell an easement is contingent on your neighbor(s), you should discuss your intentions with them before applying to minimize misunderstanding. You may also wish to confer with your neighbor(s) on your respective asking

- prices; if any one of them is unrealistic and results in one of them not getting an offer, you also will not receive an offer.; or,
- the county government and the Foundation concur that the property has "extraordinary agricultural capability" and is of "significant size." Land is considered to have extraordinary agricultural capability if it has a fully implemented soil conservation plan approved by the local soil conservation district, is located in an area designated by the county for agricultural preservation, is recommended by a majority of the MALPF Board of Trustees after an on-site inspection conducted by one or more members of the Foundation, and has either 60% qualifying soils of either USDA Soil Capability Classes I-III or USDA Woodland Groups 1 and 2 or 72% of USDA Soil Capability Classes I-III and USDA Woodland Groups 1 and 2. Significant size simply means that, given an extraordinary agricultural capability, the Foundation is more likely to approve a property closer to 50 acres than one that is not. If the application to sell an easement on such a property is approved by the Foundation's Board of Trustees, an offer to purchase the easement will not be contingent on the acceptance of an offer on an adjacent property.

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## Development Options for Owners of Small Properties\*

Because small properties retain very limited development options after the sale of an easement to the Foundation, you should fully familiarize yourself with the easement restrictions before applying to sell your easement. Please consult the other fact sheets, the current model Deed of Easement, the Maryland Annotated Code, and the Code of Maryland posted elsewhere at this web site. If the restrictions create problems for you, but you are still interested in participating in the program, you should address those problems **before** you apply to sell an easement or you should decide not to participate in the program. Confer with your local program administrator or contact the Foundation if you have questions about your plans for the property which may be affected by easement restrictions.

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This fact sheet is a public document and is provided for general information only. If you have a question about a specific law, regulation, or provision of the district agreement, option contract, or deed of easement, please consult legal counsel.

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<http://www.malpf.info/facts/fact12.pdf>